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DIESEL U.S.A., INC.

9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

12 RYAN GREKO, an individual,

13 Plaintiff,

14 v.

15 DIESEL U.S.A., INC., a New York  
16 corporation; and DOES 1-100, inclusive,

17 Defendant.

Case No. 3:10-CV-03492-EDL

**JOINT STIPULATION TO CONTINUE  
DISCOVERY CUT-OFF AND OTHER  
RELEVANT DATES AS MODIFIED**

**[Civil L.R. 6-1 and 6-2]**

**Class Action**

Judge: The Hon. Elizabeth D. Laporte  
Courtroom: E, 15<sup>th</sup> Floor  
Action Filed: August 9, 2010

**STIPULATION**

Plaintiff Ryan Greko ("Plaintiff") and defendant Diesel U.S.A., Inc. ("Defendant") (Plaintiff and Defendant are referred to hereafter as the "Parties"), through their respective counsel of record hereby stipulate to the following in accordance with Civil Local Rules 6-1 and 6-2:

WHEREAS, on April 22, 2011, the Parties filed a Joint Stipulated Request for Order Continuing All Scheduled Dates, wherein they jointly agreed and stipulated to request that, in light of the then-scheduled June 8, 2011 mediation date, the Court order all scheduled dates be continued for a minimum of 90 days;

WHEREAS, on April 25, 2011, this Court issued an Order on Stipulated Request to Continue All Scheduled Dates, wherein the Court granted the Parties' stipulated request and set new dates for the following: Non-Expert Discovery Cut-Off (July 29, 2011), deadline for Initial Expert Disclosures (August 2, 2011), deadline for Rebuttal Expert Disclosures (August 30, 2011), Expert Discovery Cut-Off (September 30, 2011), Dispositive Motion Hearing Deadline (September 20, 2011), Pre-Trial Conference (December 12, 2011), and Trial (January 30, 2012);

WHEREAS, in order to accommodate Plaintiff's class action case currently pending before Judge Richard Seeborg in the Northern District of California, *Ryan Greko v. Diesel U.S.A., Inc.*, Case No. 3:10-CV-02576 RS (which case the Parties also intend to mediate at the same time they mediate the present matter), the Parties agreed to continue said mediation until August 31, 2011;

WHEREAS, on May 31, 2011, the Parties filed a Joint Stipulation to Continue Mediation Deadline with this Court to advise the Court that the mediation date had been continued;

WHEREAS, at the time the Parties filed the May 31, 2011 Joint Stipulation to Continue Mediation Deadline, they genuinely believed that continuance of the mediation date would not require any other scheduled date to be moved, and advised the Court accordingly in their Joint Stipulation to Continue Mediation Deadline;

WHEREAS, the Parties have engaged in informal discussions to try and settle this litigation outside of mediation, during which time the Parties have not engaged in further

1 discovery;

2 WHEREAS, because the informal settlement discussions have not thus far been  
3 successful, the Parties now intend to take the depositions of a number of parties and witnesses;

4 WHEREAS, due to scheduling conflicts, the Parties are not able to schedule said  
5 depositions until August 2011, which is beyond the Non-Expert Discovery Cut-Off;

6 WHEREAS, the Parties agreed, in light of the need to take the depositions and the fact  
7 that the Pre-Trial Conference is not scheduled to take place until December 12, 2011, to a  
8 continuance of all the following:

- 9
- 10 • Non-Expert Discovery Cut-Off from July 29, 2011 to September 30, 2011;
  - 11 • deadline for Initial Expert Disclosures from August 2, 2011 to September 30,  
12 2011;
  - 13 • deadline for Rebuttal Expert Disclosures from August 30, 2011 to October 28,  
14 2011;
  - 15 • Expert Discovery Cut-Off from September 30, 2011 to November 18, 2011; and
  - 16 • Dispositive Motion Hearing Deadline from September 20, 2011 to October 18,  
17 2011;

18 WHEREAS, the Parties believe that it is not necessary to move any other scheduled date  
19 or deadline at this time;

20 WHEREAS, continuing the dates for the above as indicated will allow the Parties to  
21 continue discovery and engage in good-faith mediation before needing to file any dispositive  
22 motion or prematurely incur any expert costs and expenses, which the Parties expect will  
23 potentially economize their own resources without wasting or risking waste of any judicial  
24 resources; and

25 WHEREAS, the counsel of record for both Parties have expressly agreed to the filing of  
26 this Joint Stipulation with their respective electronic signatures.

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1           THEREFORE, the Parties hereby submit this Joint Stipulation to Continue Discovery Cut-  
2 Off and Other Relevant Dates and request that the Court order the following:

- 3           • that the Non-Expert Discovery Cut-Off be continued from July 29, 2011 to September 30,  
4           2011;
- 5           • that the deadline for Initial Expert Disclosures be continued from August 2, 2011 to  
6           September 30, 2011;
- 7           • that the deadline for Rebuttal Expert Disclosures be continued from August 30, 2011 to  
8           October 28, 2011;
- 9           • that the Expert Discovery Cut-Off be continued from September 30, 2011 to November  
10          18, 2011; and
- 11          • that the Dispositive Motion Hearing Deadline be continued from September 20, 2011 to  
12          ~~October 18, 2011.~~ October 11, 2011 at 9:00 AM.

13  
14 Dated: July 6, 2011

**ARENT FOX LLP**

15  
16 By: /s/ Stanley G. Stringfellow II  
17 Stanley G. Stringfellow II  
18 Attorneys for Defendant DIESEL U.S.A.,  
19 INC.

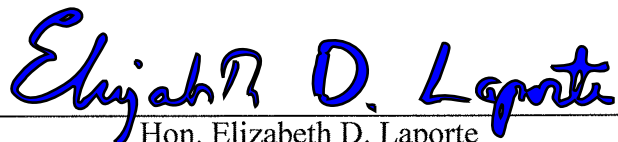
20  
21 Dated: July 6, 2011

**LAW OFFICES OF DANIEL L. FEDER**

22  
23 By: /s/ Claire Elizabeth Cochran  
24 Claire Elizabeth Cochran  
25 Attorneys for Plaintiff RYAN GREKO

26  
27 PURSUANT TO STIPULATION, IT IS SO ORDERED.

28  
Dated: July 8, 2011



Hon. Elizabeth D. Laporte  
U.S. Magistrate Judge for the  
Northern District of California